

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIAM LEWIS MAY,

Defendant-Appellant.

UNPUBLISHED

February 23, 1999

No. 198402

Eaton Circuit Court

LC No. 95-000210 FC

Before: Markman, P.J., and Bandstra and J.F. Kowalski*, JJ.

MEMORANDUM.

Defendant pleaded guilty pursuant to a plea agreement to conspiracy to deliver 50 grams or more, but less than 225 grams of cocaine, MCL 333.7401(1) and (2)(a)(iii); MSA 14.15(7401)(1) and (2)(a)(iii); MCL 750.157a; MSA 28.354(1), and was sentenced to twelve to twenty years' imprisonment. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Although defendant lacked a criminal history, had a steady employment history, and cooperated with law enforcement authorities, the trial court did not abuse its discretion when it concluded that these factors, as well as other factors offered, did not constitute substantial and compelling reasons to depart from the statutory minimum sentence, particularly in light of the amount of cocaine defendant admitted to distributing and of the substantial benefit bestowed upon defendant by the plea agreement, i.e. escaping the possibility of a sentence of mandatory life without parole. *People v Fields*, 448 Mich 58, 76-79; 528 NW2d 176 (1995); *People v Johnson (On Remand)*, 223 Mich App 170, 172-174; 566 NW2d 28 (1997); *People v Ealy*, 222 Mich App 508, 512; 564 NW2d 168 (1997).

We affirm.

/s/ Stephen J. Markman

/s/ Richard A. Bandstra

/s/ John F. Kowalski

* Circuit judge, sitting on the Court of Appeals by assignment.